

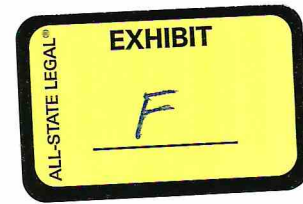
PUBLIC INTEREST

— LEGAL FOUNDATION —

VIA EMAIL

February 3, 2020

Julie Flynn
Deputy Secretary of State for the State of Maine
101 State House Station
Augusta, ME 04333-0101
Email: Julie.Flynn@maine.gov
cc: Matthew.Dunlap@maine.gov; Phyllis.Gardiner@maine.gov



RE: Notice of Violation of National Voter Registration Act

Dear Deputy Secretary Flynn:

On January 31, 2020, we received your letter regarding our request for a copy of Maine's statewide voter registration list. You asked for clarification regarding "what records (or data fields)" we are asking to inspect and duplicate (or otherwise purchase and receive). While we believe our prior correspondence was sufficiently clear regarding what records and data we are requesting, we provide the following and request that you confirm **by 2:00 pm EST on February 4, 2020** whether you will us allow access to the requested records.

As our October 17, 2019 request indicated, we are seeking the list and fields of data described in 21-A M.R.S. § 196-A(1)(B), *i.e.*, what your most recent letter refers to as the "party/campaign use voter file." As we have explained in previous correspondence, the list and data described in 21-A M.R.S. § 196-A(1)(B)—the "party/campaign use voter file"—must be made available for inspection and duplication because it falls within the scope of Section 8(i) of the National Voter Registration Act ("NVRA"), 52 U.S.C. § 20507(i).

We understand your most recent letter to confirm that our request remains denied. As your letter explains, we are **not** permitted to inspect and duplicate (or otherwise purchase or receive) the "party/campaign use voter file" because we are "not engaged in a campaign or 'get out the vote' effort." Letter dated January 30, 2020 at 1; *see also* 21-A M.R.S. § 196-A(1)(B).

As we have also previously explained, any Maine law that prohibits disclosure of the "party/campaign use voter file" with the data fields described by 21-A M.R.S. § 196-A(1)(B) included is superseded and preempted by the NVRA. *Arizona v. Inter Tribal Council of Arizona*, 570 U.S. 1, 14-15 (2013); *see also Judicial Watch, Inc. v. Lamone*, Civil Action No. ELH-17-2006, 2019 U.S. Dist. LEXIS 134151, *25-45 (D. Md. Aug. 8, 2019).

We notified you on October 29, 2019 that your office is in violation of the NVRA for failure to permit inspection and duplication of public voter list maintenance records as required by 52 U.S.C. § 20507(i). You have not cured the violation within the 90-day period afforded by the NVRA, 52 U.S.C. § 20510(b), and we are presently within our rights to pursue legal remedies in federal court.

However, in the interest of resolving this amicably, we ask you to confirm **by 2:00 pm EST on February 4, 2020** whether you will permit us to inspect and duplicate (or otherwise purchase and receive) the “party/campaign use voter file” with the data fields described by 21-A M.R.S § 196-A(1)(B).

Sincerely,

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